

REMARKS

Summary

Claims 1, 4-7, and 12-25 are pending in this application. Claims 1, 7, 19, and 22 have been amended. Claims 2-3 and 8-11 were previously canceled without prejudice. Claims 1, 7, 19, and 22 are independent in nature. Favorable reconsideration and allowance of the pending claims are requested.

Although Applicants disagree with the broad grounds of rejection set forth in the Office Action, Applicants have amended claims 1, 7, 19, and 22 in order to facilitate prosecution on the merits. Support for these amendments can be found in the specification at least at page 4, lines 6-9 and page 8, lines 10-13. As such, no new matter has been added.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-7, and 12-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,987,518 to Gotwald (hereinafter, "Gotwald") in view of United States Patent No. 4,945,563 to Horton et al. (hereinafter, "Horton") and United States Patent No. 5,619,247 to Russo (hereinafter, "Russo"). Applicants respectfully traverse these rejections, and request their reconsideration and withdrawal in view of the foregoing amendments and the following remarks.

Applicants respectfully submit that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 1, 4-7, and 12-25 and thus they define over the cited references. For example, with respect to claim 1, the cited references fail to teach at least the following language:

A system comprising a receiver in communication with a source of broadcast content and coupled to a playback device and a storage device ... the storage device operable by the receiver to store the received broadcast content without requiring payment for the received broadcast content unless and until the received broadcast content is retrieved from the storage device and consumed on the playback device, the system configured with default authorized uses for the received broadcast content to be applied when the descriptor is missing or invalid, the stored

broadcast content encrypted such that it can be decrypted for playback by a playback device comprising a central processing unit when the central processing unit is specified in header information stored with the stored broadcast content

Applicants respectfully submit that the cited references fail to disclose, teach, or suggest at least a "system configured with default authorized uses for the received broadcast content to be applied when the descriptor is missing or invalid." The Office Action reads the "descriptor" of claim 1 on "the coded information embedded in the TV signal" in Horton. Office Action, page 6 (citing Horton, col. 3, lines 38-67). However, this portion of Horton is silent with default authorized uses to be employed when the coded information is missing. Instead, Horton only discusses uses that might be specified by the coded information. Particularly, Horton states – in pertinent part – that:

The decoder 28 decodes the coded information embedded in the TV signal and provides an indication to an operator of the various modes available with this particular program. These modes may be displayed and input by an operator select circuit 30 which is accessible through an operator remote control 32. The modes which may be made available include view only, view and tape for fee, and view and tape for free.

Horton, col. 3, lines 38-46. Horton does not discuss the possibility of such coded information being absent, nor does it discuss default authorized uses to be applied when the coded information is absent. Thus, the cited portions of Horton fail to disclose default authorized uses for received broadcast content to be applied when the descriptor is missing or invalid. The cited portions of Gotwald and Russo fail to overcome this deficiency. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach, or suggest at least a "system configured with default authorized uses for the received broadcast content to be applied when the descriptor is missing or invalid."

Applicants further respectfully submit that the cited references fail to disclose, teach, or suggest at least that "the stored broadcast content [is] encrypted such that it can be decrypted for playback by a playback device comprising a central processing unit when the central processing unit is specified in header information stored with the stored

broadcast content." With respect to encryption, the cited references are silent with respect to allowing playback on a particular device by identifying the CPU of the device. Gotwald merely states that "[o]ptional security elements 58 can be provided to encrypt or otherwise render the data, or selective parts of the data, secure." Gotwald, col. 4, lines 49-51. Similarly, Horton states only that:

Both of the inventor's systems are capable of receiving TV programming which has been encrypted or "scrambled" as are many premium channels presently being broadcast over cable and satellite systems such as HBO, Showtime, etc. However, in the first embodiment these encrypted programs carry an additional tag or code which is deciphered by the receiver to indicate whether the program may be taped or not.

Horton, col. 2, lines 25-32. Likewise, Russo simply states that "[t]he provider then broadcasts a code specifically addressed to the subscribers decoder, thereby unlocking these features, for example, providing the subscriber's site with a key capable of descrambling an encrypted program." Russo, col. 6, lines 12-15. None of the cited references mention including, with stored broadcast content, header information that identifies a central processing unit, and encrypting the stored broadcast content so that it can be decrypted by a device comprising the specified CPU. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach, or suggest at least that "the stored broadcast content [is] encrypted such that it can be decrypted for playback by a playback device comprising a central processing unit when the central processing unit is specified in header information stored with the stored broadcast content."

Absence from the cited references of the above-mentioned subject matter negates obviousness with respect to independent claim 1. Independent claims 7, 19, and 22 recite elements similar to those recited in independent claim 1. Therefore, Applicants respectfully submit that independent claims 7, 19, and 22 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to independent claim 1. Accordingly, Applicants respectfully request withdrawal of the obviousness rejections with respect to independent claims 1, 7, 19, and 22.

If an independent claim is non-obvious, then any claim depending therefrom is non-obvious. See MPEP § 2143.03, for example. Consequently, claims 4-6, 12-18, 20-21, and 23-25, which depend from non-obvious independent claims 1, 7, 19, and 22, are also non-obvious. Moreover, claims 4-6, 12-18, 20-21, and 23-25 contain additional features that further distinguish them from the cited references. Accordingly, Applicants respectfully request withdrawal of the obviousness rejections with respect to claims 4-6, 12-18, 20-21, and 23-25.

Conclusion

It is believed that claims 1, 4-7, and 12-25 are in condition for allowance.
Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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